

DUANE MORRIS LLP
By: Gregory P. Gulia
John Dellaportas
1540 Broadway
New York, New York 10036
Tel.: (212) 692-1000

*Attorneys for Defendants
Kasian Franks, Raf
Podowski, Shekhar Lodha,
Favtape.com, and Ryan Sit*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAPITOL RECORDS, LLC; CAROLINE
RECORDS, INC.; VIRGIN RECORDS
AMERICA, INC.; COLGEMS-EMI MUSIC
INC.; EMI APRIL MUSIC INC.; EMI
BLACKWOOD MUSIC; EMI FEIST
CATALOG INC.; EMI FULL KEEL MUSIC;
EMI GOLDEN TORCH MUSIC CORP.;
EMI GOLD HORIZON MUSIC CORP.;
EMI GROVE PARK MUSIC, INC.; EMI
LONGITUDE MUSIC; EMI MILLER
CATALOG INC.; EMI ROBBINS CATALOG
INC.; EMI U CATALOG, INC.; EMI VIRGIN
MUSIC, INC.; EMI VIRGIN SONGS, INC.;
EMI WATERFORD MUSIC, INC.; JOBETE
MUSIC CO. INC.; SCREEN-GEMS-EMI
MUSIC INC.; STONE DIAMOND MUSIC,

Plaintiffs,

v.

SEEQPOD, INC., FAVTAPE.COM,
KASIAN FRANKS, RAF PODOWSKI,
SHEKHAR LODHA, and RYAN SIT,

Defendants.

No. 1:09-cv-01584-LTS

**NOTICE OF DEFENDANTS FRANKS,
PODOWSKI AND LODHA'S MOTION
TO DISMISS AND FOR FEES AND
COSTS**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the annexed Declarations of Kasian Franks, Chandra Shekhar M. Lodha, and Raf Podowski, and all the pleadings and proceedings heretofore had herein, the undersigned, on behalf of defendants Kasian Franks, Chandra Shekhar M. Lodha, and Raf Podowski, will move this Court at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, 10007, on a date designated by the Court, for an Order dismissing Plaintiff's Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(2), for lack of personal jurisdiction and awarding Defendants Franks, Lodha and Podowski their attorneys' fees and costs incurred in connection with the making of this, and for such other relief as the Court may deem just and proper.

Dated: New York, New York
April 3, 2009

Respectfully submitted,

/S/

DUANE MORRIS LLP
Gregory P. Gulia
GPgulia@duanemorris.com
John Dellaportas
Dellajo@duanemorris.com
1540 Broadway
New York, New York 10036
Tel.: (212) 692-1000
Attorneys for Defendants
Favtape.com, Kasian Franks,
Raf Podowski, Chandra Shekhar M. Lodha
and Ryan Sit